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Proceedings of Mid-Winter Meeting of the Indiana State Bar Association

PROCEEDINGS OF MID-WINTER MEETING OF THE INDIANA STATE BAR ASSOCIATION

The mid-winter meeting of the Indiana State Bar Association was held at the Claypool Hotel, Indianapolis, Indiana, February 5, 1938.

The meeting was called to order at ten o'clock A. M. by President Louden L. Bomberger.

Welcome and Response

No Indiana State Bar meeting is properly opened without addresses of welcome and response. The mid-winter meeting this year excelled all its predecessors in this respect—being favored by two addresses of welcome and two responses.

Mr. Thomas D. Stevenson, President of the Indianapolis Bar Association, and Mr. Floyd W. Burns, President of the Indianapolis Lawyers' Association, welcomed the visiting lawyers and extended greetings from the Indianapolis lawyers, old and young.

Mr. Clarence R. McNabb of Ft. Wayne and Mr. Edwin C. Henning of Evansville made suitable responses on behalf of the lawyers of Northern and Southern Indiana, respectively.

Report of Committee on American Citizenship

Judge Roscoe C. O'Byrne, Chairman of the Committee, made the following report:

Your Committee on American Citizenship reports that when it held its first meeting August 18, 1937, it found itself confronted, on the one hand with a definite and vigorous mandate from the President of this Association to write a prompt record of action and achievement, and on the other hand with a complete absence of policy, program or heritage from its predecessor. No report of the preceding Committee on American Citizenship was made to this Association at its annual summer meeting in 1937, and hence of necessity your present Committee "started from scratch."

Under such circumstances a survey disclosed a situation which demanded prompt and patriotic action, and at the same time offered an opportunity for

public service peculiarly appropriate to the legal profession, and in which such profession should find itself engaged.

Even a casual research impressed your Committee with the fact that by an Act of Congress on August 23, 1935, there was established the United States Constitution Sesquicentennial Commission, to which was delegated the adequate celebration and observance of the one hundred fiftieth anniversary of the formation of our federal Constitution; with the further fact that by presidential proclamation on July 4, 1937, President Franklin D. Roosevelt had designated a period of approximately nineteen months for this celebration and observance, beginning September 17th, 1937, the one hundred fiftieth anniversary of the signing of our basic national law, and ending April 30th, 1939, the similar anniversary of the inauguration of President Washington; and with the further fact that the national program called for three outstanding dates of observance on a national scale, and a fourth date of peculiar interest to the individual state, and to be known as "STATE DAY."

In addition to the dates of September 17, 1937 and April 30, 1939, selected for the reasons just stated, the program of the national organization calls for a special celebration on June 21, 1938, the one hundred fiftieth anniversary of the ratification of the Constitution by New Hampshire as the ninth State, thereby making of the instrument a living document. State Day in each state is to be observed on the anniversary of the ratification of the Constitution in the original thirteen colonies, and on the anniversary of the admission of the remaining States to the American Union, thereby fixing December 11th as STATE DAY for Indiana.

Such an existing situation might not appear to call for anything further from your Committee than approval and support of the movement and endorsement of its objectives, had it not further appeared from the same casual research that on a date less than thirty days before the beginning of the anniversary period, the State of Indiana was wholly without any organization known to your Committee and committed to this program as its primary purpose, and one of eight states in the American galaxy of commonwealths to be without any official State Commission or Committee designated by the existing State administration for formal supervision. In other words, Indiana was moving swiftly toward the entrance of the celebration, with only such guidance and control and direction as could come from the offices of the federal commission at Washington, D. C.

Your Committee under these circumstances unanimously and without hesitation determined that regardless of the possibility of constructing a more deliberately conceived and well-rounded program for permanent purposes along the lines of American citizenship, in Indiana at this time the task to be done was too near. The conviction obtained that during the present year of service of your Committee no better nor more appropriate service could be rendered than by exerting itself to the utmost to the end that the legal profession in Indiana with commendable unity and devotion throughout the State take its proper part in this Sesquicentennial observance, and not merely that, but furthermore pursue its natural role of leadership along the avenues of constitutional government by assisting and encouraging adequate observance on the part of the community and its constituent and varied groups.

Your Committee determined that to best meet the emergency with the greatest efficiency combined with the least individual effort to the members of the bar designated for service, the creation (practically overnight) of a dependable State-wide organization was required. To make effective such an organization, the State was first divided into three zones, each composed of four congressional districts, and to each member of the Committee was assigned one of such zones. Each member of the Board of Managers of the Association was requested by the appropriate Zone Chairman to designate a District Chairman to serve for his particular district, and such District Chairman or member of the Board of Managers, or both, as preferred in each district, was then requested to designate a County Chairman, to serve for each county within the District, with the variation that in Lake County, comprising alone the First District, five City Chairmen for the five principal cities were designated in lieu of County Chairmen. The response of the profession has been most gratifying, with the result that at present, out of a total personnel of one hundred eleven, we have but eight vacancies, and in each of these the prospect is that by the close of the present month, the personnel will be complete. It should be further added that all of these vacancies are in the classification of County Chairmen.

Your Committee did not content itself, however, with the organization of this personnel and with a State-wide drive to enlist the lawyers of the State in the national movement, but simultaneously took the initiative in the direction of removing Indiana from the tiny group of eight commonwealths without official recognition of the observance. A contact was made promptly following the initial meeting of the Committee on August 18th, 1937, with the Governor of Indiana, M. Clifford Townsend, with the result that he not only willingly, but enthusiastically and without delay proceeded to the issuance on September 7th, 1937, of a formal executive proclamation designating the period coincident with the national period, as a term of sacred and patriotic observance of the Sesquicentennial, and—a matter of even more importance to Indiana—in conformity with the uniform scheme and policy of the National Commission, designating December 11th as INDIANA STATE DAY.

The Governor did not restrict his cooperation to the issuance of such proclamation, however, but by executive appointment created The Indiana State Commission and charged it with the supervision of Indiana's participation in this great national observance. In recognition of the genuine and pronounced interest evinced on the part of your Committee, and in further recognition of the worth of such Committee's organization within the legal profession, and in final recognition of the striking value of the participation by the educational system of the State, the Governor most graciously, in the appointment of his Commission, named the three members of your Committee, and the Honorable Floyd I. McMurray, State Superintendent of Public Instruction, to constitute The Indiana State Commission, and supplemented this action by naming as an Advisory Committee of the Indiana State Commission the twelve District Chairmen of your Committee, and supplemented this still further by according the chairmanship of the Commission to Robert R. Batton of your Committee.

At a joint meeting of your Committee and of such State Commission held November 10th, 1937, the District, County and City Chairmen of our Bar Association Committee were constituted at the same time Chairmen of similar units for the State Commission, and County, City and Town School Superintendents designated by Superintendent McMurray, together with parochial school executives designated by Superintendent of Parochial Schools, Reverend Leonard Wernsing were constituted Vice-Chairmen, thereby increasing the organization operating to a membership of three hundred ninety-three. With this organization, INDIANA STATE DAY was appropriately celebrated on December 11th, last.

Your Committee is thoroughly aware that this program of observance is not, and cannot be, permanent and continuing, for the period set aside will eventually close, and that in the not distant future. However, it is the conviction of your Committee that such a program for the present will make available to your Committee the physical assistances of the National Commission in the way of information sheets, literature, memorial shrines, plays, music, pageants, group programs, portraits, and many other items, by means of which a substantially wider circle of citizens will be brought within the influence of constitutional government and will become more keenly aware of the privileges and corresponding responsibilities of citizenship, and with this as a background, some succeeding Committee of this Association in this field of American Citizenship will have been provided with fertile and virgin soil with which to work and in which to plant.

No report of your Committee should be terminated without an expression of gratefulness to President Bomberger and Vice President Hill, as well as to the entire Board of Managers, for their sympathetic and encouraging assistance, both in a moral and mental way, and in the more concrete appropriation of necessary funds with which to provide postage, printing, stationery, and other incidental expenses.

Your Committee has no recommendation to make to the Association at this time, save and except alone its judgment that by appropriate resolution, appreciation should be acknowledged of the courtesy and mark of confidence displayed in this Association by the Governor of Indiana, in his recognition of the Indiana State Bar Association in the selection of his personnel for the Indiana State Commission, to which reference has been made. Such a resolution has been prepared by your Committee and is being submitted to you herewith, with the recommendation that it be adopted.

Finally, reference should be made to an experiment on the part of your Committee in conducting a luncheon meeting in Parlor B of the Claypool Hotel on yesterday, to which the entire legal personnel of this Committee was invited. A representative attendance, an interesting program devoted to the business of the Committee, an open forum of which full advantage was taken, and increased clarity of future plans, all distinguishing this meeting, in our judgment augur well for the future achievements of the Committee.

At this time, further on behalf of the Committee, I wish to submit a tentative resolution as referred to in the formal report:

RESOLUTION

Whereas, the Honorable M. Clifford Townsend, Governor of Indiana, has recently displayed confidence in and recognition of the Indiana State Bar Association, in his designation of the membership of The Indiana State Commission for the supervision of the observance of the United States Constitution Sesquicentennial, and by including in such membership such Association's Committee on American Citizenship, and in selecting as the Advisory Committee for The Indiana State Commission, personnel drawn entirely from the District organization of such Association's Committee on American Citizenship, and has thereby entrusted to such Indiana State Bar Association in very substantial degree the conduct of this State's participation in such observance, therefore, be it

Resolved, by the Indiana State Bar Association in regular Mid-Winter Meeting assembled, that it expresses to the Governor of Indiana its appreciation of this recognition, and its intention of justifying the same, and that the Secretary of this Association be instructed to transmit to the Governor of Indiana a copy hereof.

The report of the Committee was approved and the recommended resolution adopted.

Report of Young Lawyers' Committee

Mr. C. B. Tinkham, of Hammond, presented the following report of the Committee:

I have heard the accusation made that the State Bar Association was run and operated by old men. You observed this morning that most of those on the program were crowned with a supply more or less of gray hair. So I think it must be gratifying to a large class of the membership of the State Association to find that there has been placed in a position of responsibility a young man like myself.

I don't know why I was appointed as Chairman of the Young Lawyers' Committee, but I was considerably flattered. My wife took a good deal of that out of me, however.

This Committee is a temporary committee. It was authorized at the summer meeting this last year, and this is a progress report. There can be nothing final about it. We hope that this committee will be made a permanent standing committee.

The General Committee is composed of one member from each Congressional District over the state, and we have organized subsidiary committees, or district committees. Each district has a committee composed of one member from each county and one member from each city of more than twenty thousand that is not a county seat. So that it reaches every county and city in the State of Indiana.

I don't know but what you may be interested in knowing the names of the members of the General Committee.

I am from the First District.

Second District—Harold J. Tuberty, Logansport.

Third District—Louis C. Chapleau, South Bend.

Fourth District—Howard W. Mountz, Garrett.
Fifth—Phil Byron, Jr., Peru.
Sixth—Luke White, Covington.
Seventh—Carl L. Chattin, Washington.
Eighth—Hon. William F. Dudine, Indianapolis.
Ninth—James Tucker, Paoli.
Tenth—Corbett McClellan, Muncie.
Eleventh District—Harry G. Neff, Anderson.
Twelfth District—Theodore R. Dann, Indianapolis.

These men have been quite busy since September in organizing the District Committees. Some of these districts are very large. One of them contains sixteen counties. That member has quite a job in organizing his District Committee.

We have succeeded in organizing each district except the Seventh and the Ninth, but they are well on the way to the organization of their District Committees. I find the personnel of these committees is good, made up of young lawyers under the age of thirty-six years, and they are enthusiastic. We have had two meetings of the General Committee, one a month or more ago, and one last night. There was a splendid attendance last night, and we discussed a matter which was assigned to us by the Board of Managers last October.

We were assigned the job of making a canvass of the state to determine the attitude of lawyers generally towards state bar integration. We weren't given the job of advocating it, but merely to determine as best we could the attitude of lawyers toward that movement.

I am forced to say that we have not gone very far toward that, but in the reports of the various members last night we were convinced that in almost all of the districts, I think with the possible exception of one, these committeemen found that a majority was in favor of bar integration.

Of course that is not final. We will continue to canvass the situation and will probably have something like a definite final report to make by the annual meeting of the bar.

We discussed also, although it is rather outside of our authority, the time when this should be advanced, and the manner in which it should be advanced.

We do find this, however: that a campaign of education must be placed on the program. I don't know but what most of you gentlemen are familiar with the fact that few lawyers know all of the significance of the term integration. They know little about it. I didn't. I was invited to attend the meeting of the Board of Managers last October, and did, and when they determined that the Young Lawyers' Committee should canvass the state as to the attitude of the lawyers toward bar integration, I didn't really know what that meant.

I am ashamed to admit it, but I was forced to make a study of it, and did. We gathered together considerable literature on the subject of bar integration, and distributed to the members of the General Committee. Those members in turn distributed this literature to the members of their district committees, so that so far as the Young Lawyers' Committee is concerned, and their sub-

committees, they are quite well informed on what bar integration means, what its purposes are.

I have had considerable correspondence with Mr. Thompson, President of the Iowa State Bar. He published a pamphlet on bar integration which is a splendid exposition of what integration is. He also sent me a brief that the Committee of the State Bar has written for the Supreme Court of Iowa. The Supreme Court is to decide next April whether or not it shall act independent of legislation in creating an integrated bar in the State of Iowa, and it is a very thorough brief.

But the thing that impressed me most was this: that the lawyers of Iowa have been working toward bar integration for the last four years and finally have discovered the attitude of every lawyer in the state toward bar integration. On a vote they found that over 80 per cent of the lawyers of the state are for bar integration.

Accompanying this brief is a map showing just what counties are for bar integration, what percentage of each county is for it, showing those counties that are against it, and what percentage. That is for the information of the Supreme Court of the State of Iowa.

It impressed me with the fact that it is necessary to educate the lawyers of the State of Indiana on what bar integration is, and personally I am impressed with the fact that it is a tremendous job. You may send literature over the state, but many lawyers will put it on their desks and never look at it again. We will have to try something more than distribution of literature.

I find that every member of the General Committee is in favor of bar integration. As an illustration of what may exist over the state, Mr. Phil Byron, Jr., of Peru, has taken a poll of his district, not a thorough poll, but a rather hurried poll, and he has found that 114 of the lawyers of his district are favorable, 27 opposed, and 12 do not commit themselves.

But to illustrate the fact that lawyers know little about bar integration, I wrote to each member of the General Committee asking if they were able to tell me how they stood toward this movement, and every one of them, when this assignment was first made, said that they had not made a study of it, and were not willing to commit themselves until they had. Now, I think that is true generally. We expect to continue this canvass, and I hope by the next annual meeting we will have something like an informative report to make.

This Committee, as I said at the beginning, is a temporary committee, created last annual meeting until this Mid-Winter meeting, and I hope that it will be made a permanent committee.

On motion duly seconded the report was approved.

Report of Membership Committee

Vice-President William H. Hill of Vincennes reported that since the annual meeting in July 93 applications for membership in the Association have been received, of which 40 are for regular memberships and 53 are for junior memberships. The report follows:

Our Committee has no formal report to make at this time. We will make a detailed, formal report at the annual meeting.

I might say, you will recall, that at the last annual meeting it was provided the Membership Committee should be composed of the Vice President, and a member or a District Chairman for each District, and that the District Chairman should select a County Chairman in each county.

We have spent most of our time during the past three or four months in attempting to perfect that state-wide organization. I am happy to report that we do have the twelve district chairmen, who have not only accepted, but most of them have been doing some fine work.

We have most of those districts organized with the county chairmen. One or two are not complete. We have at this time as the personnel of the Membership Committee approximately 70 lawyers.

At this time we have to report that since the last annual meeting there have been handed in, and most of them have been acted upon, 93 applications; in other words, 93 new members since the meeting last July. Forty of them are regular, and 53 junior members.

I might say that I am not making a formal report because we have not had a formal meeting. We expect at the noon hour today to have a meeting of the District Chairmen.

The report was adopted.

Report of Committee on Criminal Jurisprudence

Mr. A. J. Stevenson, Chairman of the Committee, read the following report:

Your Committee on Criminal Jurisprudence has discussed several phases of the law pertaining to crime and beg to submit the following report for your consideration:

Due to the many complications and apparent inconsistencies in the various statutes, it is becoming increasingly difficult for courts and lawyers to know the correct sentence that should be imposed as punishment for particular crimes. As a result of this confusion, nearly four hundred men are now confined in the State Prison and Reformatory under sentences which are deemed erroneous.

As a result of this confusion, the Legislature in 1937 attempted to correct all of these errors by legislative enactment, the same being Chapter 204, Acts of the Indiana General Assembly of 1937. This Act provides in brief that where defendants have been sentenced for a determinate period of time when an indeterminate period should have been fixed, then the defendant shall be deemed sentenced for the indeterminate period fixed by the Act and where the defendant has been sentenced for an indeterminate period when a definite term should have been fixed, the defendant shall be deemed sentenced for the minimum period fixed by the Act.

The constitutionality of this statute is now being tried out in the courts. Our Supreme Court has recently held in the case of *Daly v. Carr,* 206 Ind. 554, that in spite of the fact that a statute requires a definite period of time for punishment the old Indeterminate Sentence Law still prevails and

prisoners shall be sentenced for an indeterminate term. It is due to these statutes that confusion has resulted.

It is the belief of the Committee that the Indeterminate Sentence Law, both as to those prisoners between the ages of sixteen and thirty, and those prisoners above the age of thirty, should be repealed. The Legislature has in many instances fixed a definite punishment for a particular crime. The Good Time Law operates to immediately reduce these sentences and with the Clemency Commission now authorized to investigate and parole all worthy cases, it is believed that the Indeterminate Sentence Laws are no longer needed.

The Prosecuting Attorneys of the State of Indiana have reported that it is very difficult to secure convictions for involuntary manslaughter growing out of the negligent operation of automobiles upon the public highways of this State. The reason for this is twofold:

First: it is frequently difficult to charge and prove the commission of an unlawful act made so by statute as a result of which the homicide occurs, and

Second: Courts and juries are loath to convict and impose long sentences where the only unlawful act charged is negligence.

With the State Police Department of Indiana reporting that 1,367 people were killed in automobile accidents on the highways of the State of Indiana in the calendar year of 1937 and that 39,700 were killed in the United States during such period, with approximately 1,000,000 people injured, the Committee recommends that the law now in force fixing the punishment for involuntary manslaughter at not less than 1 nor more than 10 years be amended by adding the phrase, "or such person may be imprisoned in the county jail or state penal farm for any determinate period not exceeding one year and fined in any sum not exceeding $500.00."

Your Committee recommends that the present law which provides that the defendant in criminal cases shall be liable for all costs, unless the court or jury trying the case expressly finds otherwise be amended to provide that in misdemeanor cases the court or jury trying the case shall not be permitted to suspend the costs when the defendant is found guilty of the offense charged.

Your Committee further recommends that Section 9-1603 which forbids the Prosecuting Attorney to comment upon or in any manner refer to the failure of the defendant to testify in his own behalf in a criminal case should be repealed and a law enacted permitting the Prosecuting Attorney to comment upon the failure of the defendant to testify in a manner similar to the rule now applicable in civil cases.

The attention of the Committee has been called to the recent statute of the State of New York commonly known as the New York Joint Indictment Statute which provides that where there are several charges growing out of the same act or transaction constituting different crimes or where two or more acts or transactions are connected together as constituting a part of the common scheme or plan or where two or more acts or transactions constitute crimes of the same or similar character, the same may be joined in one indictment or affidavit in separate counts.

The act further provides that the court may in the interest of justice or for good cause shown order that the different charges set forth in such indictment or affidavit be tried separately. The Act further provides that the

court may in the trial of such causes direct that the sentences either run concurrently or consecutively. This Act is similar to the Federal Statute on joinder of counts which has been in effect since 1853. The Supreme Court of New York has already approved the statute and it has been found very helpful in the prosecution of crimes in that State.

Your Committee moves the adoption of these recommendations and recommends that they be referred to the Legislative Committee for further consideration.

The report of the Committee was adopted and it was recommended that the same be referred to the Legislative Committee.

Report of Committee on Illegal Practice of Law and Grievances

Mr. John S. Hastings of Washington reported as follows:

Your Committee on Illegal Practice of Law and Grievances submits the following report:

1. *Grievances.* All complaints made to this Committee have involved only a few minor collection items and cases in which Attorneys have neglected to report on business received by them. These cases have either been satisfactorily adjusted or are under present consideration by the Committee.

2. *Illegal Practice.* In accordance with the recommendations of the American Bar Association and in harmony with the previously expressed attitude of former Committees of the Indiana State Bar Association, and having in mind the welfare of the public in its relation to the protection of its legal rights and the administration of justice, your Committee strongly endorses and approves the action of the Indianapolis Bar Association, acting through the individual lawyers composing the Committee on the Unauthorized Practice of Law, in its endeavor to stamp out the unauthorized practice of law on the part of banks, trust companies and other corporate entities in the State of Indiana.

We recommend, if pending litigation should reach our upper courts on appeal, that the Board of Managers of the Indiana State Bar Association consider the propriety of representatives of the Association participating in the appeal of such litigation to the end that the interests of all lawyers in the State and the public in general be served and protected.

Your Committee desires to express its appreciation of the efficient services of its former Chairman, Honorable Curtis G. Shake of Vincennes, Indiana, who served as such until his resignation at the time of his elevation to the Supreme Court of Indiana.

Your Committee has received no complaint which would seem to justify a recommendation of disciplinary action and it likewise feels its helplessness to adequately deal with serious complaints on account of the lack of a practical legal means to handle the same.

Your Committee reaffirms its faith in the integrity of the members of the legal profession as evidenced by the splendid record of faithful service which its representatives have performed in their many and varied relations with the business and professional life of our state and in the administration of important public trusts.

After motion to adopt the report as read had been made and seconded, Mr. Walter Arnold of South Bend moved an amendment to the effect that the word "individuals" be added to the phrase "banks, trust companies and other corporate entities" as the same appears in the report as read. The amendment was seconded and carried. The report as amended was then approved.

Report of Committee on Amendments to the Bankruptcy Act

Mr. Austin V. Clifford of Indianapolis presented the following report of the Committee:

Your Committee on Amendments to the Bankruptcy Act has met and discussed two bills which, the Committee believes, fell within its purview. These are the Chandler Bill (H. R. 8046), which has been referred to the Judiciary Committees of the House and Senate, and the Lea Bill (H. R. 6968), which has been referred to the Committee on Interstate and Foreign Commerce.

The Chandler Bill has passed the House, and hearings before a subcommittee of the Senate Judiciary Committee were held commencing January 19, 1938. The Chandler Bill, a comprehensive revision of all present bankruptcy laws, has been carefully prepared by the National Bankruptcy Conference, a voluntary organization composed of members of various representative groups interested in the improvement of bankruptcy law and practice. Extended hearings have been held in regard to the Bill before the House Judiciary Committee which have resulted in a rewritten Bill, and your Committee is informed that the Chairman of the Committee on Commercial Law and Bankruptcy of the American Bar Association has filed a memorandum with the Senate Judiciary Committee expressing approval of the Chandler Bill in its entirety. Although the members of your Committee entertain serious doubts as to the practicability of the wage earners plans outlined in Chapter XIII of the Bill and are of the opinion that the wage earner is at least as well, and probably better protected by the provisions of the present Bankruptcy Act, in connection with the exemptions allowed by the laws of the various states, your Committee recommends to the Association the approval of the Chandler Bill in its entirety.

A great deal of consideration was given to the Lea Bill (Committee Print No. 2), which adds a Title III to the Securities Act of 1933 and the Securities Exchange Act of 1934. This Bill proposes to forbid the use of the mails or any means or instrumentality of interstate commerce to solicit any proxy, deposit, or assent, unless a declaration is filed with the Securities Commission and a prospectus complying with the requirements of the Bill accompanies the solicitation. The declaration is analogous to the Registration Statement under the Securities Act of 1933. Your Committee has the following criticisms to make of the Lea Bill:

(1) It constitutes an additional encroachment upon the powers of the courts by bureaus possessing uncertainly defined powers.

(2) It will, by centralizing control of solicitations in Washington, tremendously increase the expense and difficulty of reorganizations.

(3) It will involve numerous conflicts of jurisdiction between courts and the Securities and Exchange Commission, and between state securities commissions and the Securities and Exchange Commission.

(4) It will, in reorganizations under the supervision of a court, constitute an unnecessary delay and an added and unnecessary expense, unless it is assumed that the courts cannot be trusted to exercise their equitable or statutory powers in respect to the conduct and compensation of creditors' and stockholders' committees.

(5) It will involve all solicitations to more than twenty-five owners of securities of the same issue, and so will cause many small, voluntary reorganizations, local in character, to be taken before the Securities and Exchange Commission, when ample means exist to deal with such situations in local courts and through state securities commissions.

(6) The securities issued pursuant to any solicitation covered by the proposed bill will nevertheless have to be registered under the Securities Act of 1933, thus leaving an element of doubt as to whether, after the slow and expensive mechanism of carrying through the solicitation is consummated, a plan pursuant to the solicitation will be approved.

(7) It includes a criminal penalty section subjecting to a fine of not more than Five Thousand Dollars and imprisonment for not more than five years any person who "wilfully violates any provision of this title *or any rule, regulation, or order thereunder* * * * or any person who wilfully, in any declaration, report, or document filed or required to be filed under the provisions of this title *or any rules, regulation, or order thereunder,* makes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading * * *." These criminal penalties constitute a threat "in terrorem" over every shareholder, committee member, or attorney who becomes involved in any reorganization plan. It is the more to be criticized because a party to a solicitation may find himself innocently violating a "rule, regulation, or order" promulgated by the Commission, of which he has no knowledge, even though he has endeavored to inform himself fully in regard to the law. It subjects parties involved to criminal liability on definitions as vague and uncertain as the standard of "reasonable care under the circumstances," for it can never be accurately known, until the verdict of a jury in a criminal case has been returned, whether there has been an "omission to state any material fact required to be stated therein or necessary to make the statements therein not misleading."

Your Committee is of the opinion that, in the last analysis, balancing the private interests of persons who may suffer in their private capacities against the public interest to avoid unreasonable expense and delay in completing reorganizations so that companies may proceed with their business without long dislocation of the economic processes, the balance should lie in favor of the public interest against such unreasonable expense and delay. Your Committee therefore recommends that this Association go on record as recommending that the Lea Bill do not pass.

Your Committee further recommends that copies of its recommendations, if approved by the Association, be forwarded to each Senator and each Congressman from Indiana.

The recommendations contained in the report were approved and the committee directed to transmit the report to Senators and Congressmen.

Report of Committee on Legal Education

Dean John W. Morland of Valparaiso Law School read the report of this committee:

The program for the Committee on Legal Education this year is to consider in what ways the law schools can increase the effectiveness of their work and can the more fully cooperate with the Board of Bar Examiners. Primarily representing as it does the legal profession in Indiana, the Board of Bar Examiners is the main unit through which the standards of the legal profession in Indiana are protected.

In connection with this question, "How may the law schools improve their work?", I have addressed inquiries to former students now in the practice, to members of the Board of Bar Examiners, and to members of the Committee on Legal Education. From various sources a number of suggestions have been made. Perhaps the suggestion most frequently mentioned is the importance of cooperating with the Board of Bar Examiners in connection with the type of men that appear before that board.—How to eliminate men whose legal ability is such that they will be of doubtful value to the legal profession. The law schools, through the Association of American Law Schools, have recently passed an amendment, which requires that a candidate for admission to a law school must have an average of C in all his prelegal work. This amendment to the Constitution of the Association of American Law Schools is now in effect. It was presented for the consideration of the Association largely through the activity of Dean Gavit, who is a member of this committee and also a member of the Board of Bar Examiners. It is thought that this is the most important step toward increasing the quality of candidates for admission to law schools that has been taken in recent years.

If the law schools present to the Board of Bar Examiners only men well fitted to enter the practice of law from the point of view of natural ability as well as from the point of view of legal training, the Board of Bar Examiners will be freed from what is perhaps the most embarrassing problem both to the examiners and to the schools themselves—that of explaining to disappointed applicants why they failed to pass the bar examination.

A few years ago the Joint Council on Legal Education was established. This Council is made up of the Board of Bar Examiners, the members of the Supreme Court, and the Committee on Legal Education. It is thought that cooperation between the Board of Bar Examiners and the law schools can be greatly assisted through this Joint Council. It is provided that the Joint Council meet once a year. The president of the State Bar Association is ex-officio president of the Joint Council. An important meeting of the Joint Council was held last year and the members of the Committee on Legal

Education look forward with interest to our forthcoming meeting in that council. This method of cooperation in which Indiana was a pioneer has been copied in Ohio.

Frequent contact between students in law schools and lawyers actively engaged in the practice prior to graduation is thought by many to be helpful. For a number of years at Valparaiso we have been having some 15 or 20 lectures a year, given by members either of the bench or the bar. These lectures have been well received and many expressions of appreciation seem to indicate that such a procedure is helpful toward inculcating in the law student a feel for and a sympathy and understanding of the ideals and traditions of the profession.

The fact that a member of the Board of Bar Examiners is a member of this committee is a matter of unique importance. Very few states in the Union thus far have been able to establish this cooperation. It is hoped that it will continue and that from it much advantage to the legal profession in Indiana will be the result.

Another suggestion is that students who are preparing for the State Bar Examination be given to understand while they are in law school the importance of getting ready for the bar examination which they will take upon graduation. No student should feel that if he graduates from law school he will pass the bar examination as a matter of course. In other words, he should not feel that the school examinations are all important and that the other examinations are a mere formal matter. Every student of law who wants to be a member of the bar of the state should have it impressed upon him that he has two hurdles to make and that each one is quite important to him and that he must be prepared to meet each of them. To this end, it is suggested that at times after there has been a board examination, copies of the questions given be laid before the senior class so that they will get an idea of the character of the examination they must take before admission to the bar. This naturally will result in more careful preparation on the part of the student for the bar examination and in many cases will obviate heart-breaking failures. A member of the Board of Bar Examiners expresses the thought that each student before the examination should contact some member of the Board of Bar Examiners and get some idea at first hand as to the nature of the job of taking the bar examination. This member states that any member of the board is willing to hold conversation with any applicant and discuss with him such things as are proper. As a general proposition it is thought that before a student takes the bar examination he should make serious preparation for it over and above his work in law school. It would be much easier for him and for the board if this preparation were taken and in many cases would obviate the necessity of repeating the examination one or more times.

While the views of all are not identical with reference to the emphasis that should be given in law schools to the preparation of the student in practice matters, there seems to be a conviction among many that the law schools are unjustly criticized for their failure to prepare students along this line better than they do. Discussing this, a member of the Board of Bar Examiners says, "It seems to me that the best that a law school can do in a limited course of three years is to give the student the very best training possible in the fundamentals of the law, emphasizing as most of them do, the subjective side rather

than procedure. Of course, I would have them give a good course in Common Law Pleading and a good course in Code Pleading. At the same time I think it is true that you can not expect a student in the law school to learn the various details or practices that might be required in any one state. If he learns the fundamentals, as above suggested, and in learning these fundamentals learns how to reason on legal propositions, learns how to analyze a factual situation, and apply to that situation appropriate legal principles, I do not believe he will have any difficulty in adjusting himself to the practice of law in any particular jurisdiction."

"I may be somewhat extreme in my ideas," this member goes on to say, "but at the same time I am compelled to the conclusion that if the law schools are subject to criticism, it is not by reason of the fact that they are too theoretical, but that they are not theoretical enough."

The suggestions above presented are meant to be merely in the nature of a progress report. It is hoped that before the meeting of the Association in the summer there will be a meeting of the Joint Council on Legal Education and that further progress toward the improvement of the work in law schools may by that time have been made.

Lastly in this progress report it is the conviction of the committee that the legal profession owes to itself and to those young men who aspire to join its ranks the closest cooperation between those who train and those who examine to the end that those who join us will be assets to the profession while at the same time the tragic social waste of permitting a young man to spend five or six years preparing for the practice only to meet disappointment in the end will be reduced to the smallest possible limit.

The report was adopted.

Report of Committee on Jurisprudence and Law Reform

Mr. Allison E. Stuart of Lafayette presented the following report:

Your committee on Jurisprudence and Law Reform begs leave to submit the following report:

In years past perhaps the most valuable service of this committee has been its study and recommendations on questions of practice. Since the creation of the Judicial Council—a legislative body authorized to consider questions of practice—the Association has twice indicated its concurrence in the view that the Committee should no longer entertain consideration of questions of adjective law. Hence your committee has avoided detailed consideration of such questions. It may be that the Association will desire to reconsider its former action, leaving it to the discretion and judgment of the committee to see that its activities are consistent with, and not antagonistic to, the work of the Judicial Council.

Your committee believes that it may, notwithstanding the limitations placed upon its activities, with propriety direct attention to specific instances of rules or practices which in its judgment should receive further consideration of the legally constituted authorities. As an illustration of this, the committee is respectfully suggesting to the Supreme Court reconsideration of that provision of the new rules, granting thirty days for filing of appellant's brief. Your

committee concurs in the purpose of the rule to expedite appellate proceedings but feels that thirty days, in the case of a busy lawyer, perhaps subject to frequent trial engagements, is too short a time to permit of the proper preparation of an appellant's brief and that briefs prepared under the requirements of such a rule may not be of such assistance to the Courts as might be desired.

Your committee has continued its consideration of the subject of uniform laws but does not feel that there is such present need for adoption in Indiana of the uniform laws considered to warrant a recommendation concerning them.

Your committee is prepared to give further consideration to laws on the subject of marriage and may desire to make a further report thereon at the annual meeting, if your committee concludes that, consistently with the recent appointment by the Governor of a special committee of citizens to consider that subject, it may with propriety continue its consideration thereof.

The report was adopted.

Report of Committee on Integration of Local Bar Associations

Mr. Paul G. Davis of Indianapolis read the report of the Committee, which is as follows:

Mr. May of South Bend, Mr. Thomas of Gary, and I are on this Committee. We have had a couple of meetings in the last two days, have had a great deal of correspondence among ourselves and your President, and have read and studied all that we can find upon this subject.

The purpose of this Committee is to suggest some plan to the Association, after further study and thought, which will lead to a closer contact between the State Bar Association and the local associations.

It seems to us that each member of the Board of Managers should take it upon himself to keep in close contact with the associations of his district, to the end that those associations will see and understand that their opinions are reflected in the action of the Board of Managers of the Association.

It has been suggested that it might be advantageous to provide some way for the selection of the Board of Managers by and through their respective districts, so that the Associations would feel that they were having more voice in the actions of this Association.

Along with the study of this subject, we have naturally thought and considered the advantages and the likelihood of the unified bar association which this organization has committed itself to for the past five years. In connection with that, let me say that our Committee had lunch today with a voluntary committee on the subject of unification of which Mr. Dowling of Indianapolis is the Chairman, and whose purpose it is to study the question, educate itself and inform the lawyers and the public in general as to the advantages of a unified bar.

We welcome suggestions. We are trying to get information for ourselves, and to pass it on to you when we think it is proper to do so. We hope that this voluntary committee will continue its study and we would like to see others interest themselves in this general movement.

At this time, Mr. President, our Committee has no report to make which requires any action by this Association. We would like instead to get your

views and your suggestions. You can give them to Mr. May at South Bend, and to Mr. Thomas of Gary. Both of these men are very interested in this subject, and have given real thought and time to it, and we hope by the annual meeting of the Association to have something constructive to present to you.

Report of Committee on Duplication of Law Books and Legal Publications

Mr. Wilmer T. Fox, of Jeffersonville, reported as follows:

Last August, the Special Committee of the American Bar Association on the Duplication of Law Books and Legal Publications requested that their interesting report be referred to the corresponding committee of our association, if any, and that certain information be furnished as to the situation in Indiana. Inasmuch as the special committees heretofore appointed to report on the slowness in reporting decisions of the Supreme and Appellate Courts and the duplication in the statutes, have been discharged, President Bomberger requested me to give the information requested, which I did.

The report recommended that duplications in statutory compilations be handled by the respective State Bar Associations along the line adopted in Illinois,—where the bar brought about the withdrawal of one publisher from the field and an arrangement with another whereby the price was settled, or in Wisconsin,—where the bar promoted official statutory revisions and compilations at prices so low and with an arrangement so satisfactory as to prevent successful competition by private publishers.

The report commented unfavorably on the unnecessary duplication of Corpus Juris and American Jurisprudence, the bad timing in the simultaneous publication of both works and suggested that if an organized legal profession had been informed in time, its opinion might have successfully urged that the two be combined in one publication.

As to text books, the committee found not so much a problem of duplication as one of quality of the book and price, and recommended that the American Bar Association be furnished proofs from the publishers for review purposes, as is done in certain non-legal fields, and that their disinterested report as to quality and price be available to the profession by the time the books are ready for sale.

No practical remedy was suggested as to the delay in publishing reports, the duplication in publications, the unnecessary quantity of decisions and the unnecessary reporting of lower court decisions. It was suggested however, that constitutional and statutory provisions in many states complicate the problem. Such is the case in Indiana, where the constitution provides,—

"The Supreme Court shall, upon the decision of every case, give a statement in writing of each question arising in the record of such case, and the decision of the court thereon." (Article 7, Sec. 5.)

"The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court made under this constitution." (Article 8, Sec. 6.)

The report concludes with this summary: "The publication of extensive annotated statutory compilations in many states, where the necessity for such large sets would seem not to be justified by consideration of utility alone; high

priced digests, produced as by-products of a reporting system, at little or no additional editorial cost, and not based upon fresh readings of the decisions digested; two encyclopedias of law, when one would have been better, raise questions of cost, quality and quantity, which are crying for consideration by the organized legal profession. Certain fairly obvious examples of padding in digests and text books, and many other matters, in addition to those already mentioned, indicate that there is a fruitful opportunity for an investigation by members of the legal profession, which may, and if kept up continually, will undoubtedly lead to the improvement of essential legal publications and to reduction in costs."

It seems advisable that the Indiana State Bar Association carefully consider this entire problem, and if changes in the constitutional provisions quoted be found advisable, that they be ready for introduction in the General Assemblies of 1941 and 1943 (proposals introduced in 1937, if not withdrawn, will block earlier action). It is suggested that the subject is so large as to warrant the creation of an additional committee, and that the continuity of effort required is such as to indicate a five year term, with only a fifth of the membership changing each year, which has been so successful in our Jurisprudence and Law Reform Committee.

It is possible that such a committee may find that our Supreme Court, under the existing constitutional provision, has the implied power to determine what decisions should be published, and that the constitution does not mandate the publication of all opinions. If so, immediate relief may be available in Indiana in this field of legal publications.

The report was adopted.

Report on Meeting of the American Bar Association

Vice President William H. Hill made the following report upon the American Bar Association Meeting at Kansas City:

I deeply regret that Mr. Seebirt could not be here. No doubt he had prepared a report to this group of the meeting at Kansas City, of the American Bar Association. I did not know that he could not be here until this morning, and as I have been almost in constant conference ever since, I have not had time to prepare anything.

I have in my office a complete record of all that took place there, but I haven't looked at it for two or three months, so what I say, Mr. President, will not be in the nature of a report, no action will be required on it. I want to make two or three observations on it, and those not very formally.

Most of you have already read the proceedings of the American Bar Association. It was a very interesting meeting. I am convinced that it was a most important and interesting meeting, and the best meeting the American Bar Association ever held. It was more largely attended than any other meeting. Indiana was very well represented. There was quite a group of lawyers from all parts of Indiana in attendance.

As you know, the governing body of the American Bar Association under its present organization is the House of Delegates. Indiana has three members. Mr. Seebirt, your President and Vice President are members. Your delegates attended those sessions.

There were five sessions of the House of Delegates. It adopts or determines the policy, in a general way, of the Association. Reports, actions and recommendations must all come before the House of Delegates. The House of Delegates could not in the short time that they have at this meeting digest all the various reports so that they could act intelligently, but we have the advantage, every member of the American Bar Association has, of the advanced program, and every member of the House of Delegates is in duty bound, I think, to examine those reports, and come to some intelligent conclusions as to what his attitude should be. I may say that that House of Delegates is a real deliberative body. I think the American Bar Association took a very advanced, important and advisable step in the reframing of its organization and in providing for the House of Delegates.

While the general sessions were exceptionally fine, and we heard fine addresses and great discussions, yet at the same time, down there in that House of Delegates of 160 odd members, much of the real intensive, valuable work of the Association was performed. Here it was that the committees were to present their reports. Here it was that those reports were discussed, and here it was that the very best that those members of the House of Delegates could give was given to it as a matter of real deliberation and real determination before the matter was brought to the floor of the general assembly.

I might say that personally it was impossible for me, a neophyte, a person who did not understand and had not been in close contact with the American Bar, to understand or digest all the reports. Although I attended every session, I wasn't feeling the best in the world, but I want to say that personally I took a great deal of interest in three or four of the reports. I didn't have time or capacity to understand or digest the rest.

I am just going to mention one of those reports, that was on Administrative Law. We have the Chairman of that Committee here this afternoon to address us.

I wish I could make an intelligent report to you of the entire meeting. It is impossible on such short notice, and I assure you at the annual meeting, there will be a report of the American Bar Association that will be of some worthwhileness to the members of our Association. But may I close with this statement:

I think every man, every lawyer, that really wants to be, not only a lawyer, but up in the forefront of his profession, should tie up with the American Bar Association, as well as the State Bar Association, and that he should tie up not only as a nominal member, but he should tie up in a way that would make him cognizant of what the American Bar Association is doing, or trying to do, so that we may be really worthwhile members of our profession.

The Work of the Judicial Council

Judge Curtis W. Roll of the Supreme Court and Chairman of the Judicial Council made the following report on the work being done by the Council:

The Judicial Council, through its Secretary, for the past two or three months has been engaged in annotating the rules proposed to be adopted by the

Supreme Court of the United States, with the purpose of ascertaining in what respect those rules coincide with or differ from the rules as now practiced in Indiana.

The Secretary of the Council has succeeded in annotating and furnishing to the members of the Council his annotations of the first twenty-five rules which had to do with the practice in the trial court.

We find, upon examination made by the Secretary, that the rules as adopted or proposed to be adopted by the Supreme Court of the United States, coincide very largely with the present rules of practice and procedure in the state courts of Indiana. There are a few exceptions, but notably few. In the main, they coincide with our present practice.

At our last meeting, the Supreme Court of Indiana asked me to say to the Judicial Council that it is their desire to have the rules annotated that apply to appellate procedure and practice, with a view of determining the scope of any changes that might be made by the Supreme Court with reference to our appellate practice and procedure. That work by the Secretary has not yet been completed, and when it is completed, the Judicial Council will take up the study of that with a view of making some suggestions to the Supreme Court with reference to the changes to be made in our appellate procedure.

If we find that the appellate procedure as proposed to be adopted by the Supreme Court of the United States coincide largely with the Indiana appellate procedure, the court will be faced with the proposition of determining just what changes we should make in our appellate procedure with a view of making it coincide altogether or as nearly as possible by changing our present rules of appellate procedure.

There has been, of course, more or less difference as to the scope of this change. Some members of the profession take the position that our entire appellate procedure should be changed and modified. Others take the view that only the important or outstanding defects in our appellate procedure should be changed, but that the body of our procedure as it now exists should not be disturbed.

Of course, that question will have to be determined by the Supreme Court itself, but as I said to this body a year ago, the court would be more than pleased to have the suggestions of the members of this Association as to just what changes should be made in this appellate procedure.

Evidently they did not take it very seriously, or I don't know what is the matter, at least we received but very, very few suggestions from the members of the bar as to changes that should be made in our procedure. I think one or two members of this Association communicated with the court and made some specific suggestions. The court did make some changes some time ago in our appellate procedure.

One rule that we adopted has been criticized in the report here today. I might say at the time that rule was adopted with reference to fixing the time at which the appellant could file his brief was considered seriously by the court, and we realized at that time that it was cutting down the time considerably to require the appellant to file his brief within thirty days after the transcript was filed.

Up to a year ago last July, or the last of June, it was not very important to the court; it made very little difference whether the appellant filed his brief

in thirty, sixty or ninety days, because the briefs would all be filed before the court would be ready to take the case.

Since last July our court is ready now to take, and has been ready since then, to take the case just as soon as it is briefed. So the question then became very material as to shortening the time for perfecting the appeal or getting the appeal in shape so it could be distributed to the judges, and that was one reason why this rule was adopted.

The profession has been criticized, you know and I know, for the delay in reaching a final decision in the case. From the time it started until it was finally decided by the Supreme Court it has covered such a length of time that in the past we have been severely criticized, and justly so.

The most of the time is now consumed in getting the case, after it has been decided in the trial court, getting the transcript and the briefs filed in the Supreme Court. That probably now takes more time than in the period of the case, from its inception until it is finally closed.

Since the rules have been adopted I have had a lawyer or two mention the proposition to me as to whether thirty days was sufficient time. I have thought about it more or less, and I have wondered this: is it the fact that we have been used to having more time in which to prepare appellant's brief, that this change being rather sudden, and not being used to it, really seems worse than it really is.

I think it is true that you are in a much better shape to prepare your brief soon after the trial than any other time. You know your questions better when the case is decided in the trial court than any other time. They are fresh in your mind. The points are fresh in your mind, and the authorities that you rely upon to support your position are more clearly in mind then than they will be any time afterward.

Now, I wondered if it isn't true that you can prepare a great part of your brief, appellant's brief, without the transcript before you, without the record. Is it necessary for you to have the transcript before you, before you begin the preparation of your brief? I have never thought so. I never thought it was necessary to have the entire transcript before you, before you begin the preparation of your brief. I believe that the substantial part of your brief, that is, the outstanding points in your brief, can be dictated and can be outlined and put in practically a substantial form without the transcript. So you have in the preparation of your brief all of the time from the inception to the time that the motion is made to overrule, practically from the date of your decision, because you are pretty well satisfied what the court is going to do on your motion for a new trial.

So in fact, you have all the time from the time the decision is rendered in the trial court until thirty days after you file your transcript in the Supreme Court in which to prepare your brief, and I will submit that you are in better position during that time to file a brief than you will be any time thereafter. You let the case lie on your desk two, three, five months, it will require twice as much time to prepare your brief then, as it would if you prepared it immediately after the decision against you in the trial court.

I don't mean to say that the Supreme Court is going to take the arbitrary position of not correcting a rule that the profession feels after experience and after sufficient trial, after it is thoroughly determined, by the profession that

thirty days is too short a time in which to file appellant's brief, if the profession feels that way, the court will be more than glad to change the rule, to make it a better rule for the profession. But I would like for you to think about that proposition. In the federal courts I think you have less time than that. In most any other court, except the Supreme and Appellate Court of Indiana, you have less time in which to do your work, as it now exists in the Appellate Court of Indiana.

I don't think there has been a complaint about that; I think it is a question of getting down and doing that work, rather than postponing it. We have all been guilty of the same thing; that is, we will postpone preparing a brief in the Supreme and Appellate Courts of Indiana just as long as we can. After you get through with it there, with the trial, you may have business that requires your attention, and the inclination is to put off the preparation of your brief, and the longer you put it off, the longer you want to put it off. Isn't that true?

I will confess that was my experience. If I got right into the brief right after the trial was had, I found myself more interested in the case, more interested in the questions that I relied upon, better prepared to write a brief, and I would write a better brief then than any other time.

Those are things that I would like for you to think about, and I would like and would suggest that you give this rule just a little more trial. Try it out a little longer, and see if after you get used to it, you really don't like it, and if you really don't think it helps you rather than hinders.

Now, back to the Judicial Council; That is about all. Mr. Gavit, of course, knows more about the detailed work of annotating those rules than I do. He is doing the greater part of the work. We haven't given much attention to those until after the rules have been annotated by Mr. Gavit. Then we will take the annotations, and the rules, and give them consideration with a view of making suggestions to the Supreme Court about the scope of any revision that might be made.

I would be more than glad, as I suggested a year ago, to hear from the members of the bar here, now, upon how they feel about questions of that kind, and about any additions or changes that might be made in the future with reference to procedure and practice with reference to the appellate procedure.

I will tell you another thing I would like for you to give consideration to in suggesting changes that might be made, as to whether or not the changes you suggest might involve questions of procedure and practice, or whether they involve questions of substantive law. We have no authority to get into questions of substantive law and change that, and some have suggested certain changes that might be a pretty serious question. Whether or not they involve questions of procedure and practice, or whether or not it is a question of substantive law, we would be glad to hear from you on those things.

Resolutions Adopted by the Association

(1) Resolution providing for a special Committee to co-operate with the Judicial Council:

BE IT RESOLVED, that the President be, and he is hereby, authorized and directed to appoint a committee of five to co-operate with the Judicial Council

in such manner as the Council desires on the question of the non-partisan election of the judges.

(2) Resolution for amendments to the By-Laws concerning Young Lawyers' Committee:

BE IT RESOLVED, that there be added to the By-Laws of the Association Article XII-B to read as follows:

The Young Lawyers' Committee shall consist of one member appointed by the President of the Association from each of the congressional districts of the state, one of whom shall be designated by the President as Chairman of such committee. As nearly as may be the membership committee shall be equally divided between regular and junior members.

Each committeeman appointed, as above provided, shall appoint one district committeeman for each county within his congressional district, and one additional district committeeman in each city of more than 20,000 population not a county seat. The appointment of district committeemen shall be subject to the approval of the chairman of the Young Lawyers' Committee.

The Committee shall have as its objective:

a. To assist the students and the younger members of the bar in obtaining a better understanding of the canon of ethics and the ideals of the profession,

b. To bring about a clear understanding between the older and younger members of the bar,

c. To obtain a close relationship among the younger members of the bar,

d. To assist and supervise the students and the young lawyers in the problems and questions which may arise in the preparation for and the beginning of their professional careers,

e. To supplement the assembled qualities of education, culture, professional responsibility and moral understanding of the law student and the young lawyer so as to develop as nearly as possible the highest type of practitioner,

f. And to perform such other duties as may be assigned to it by the Board of Managers of the Association.

(3) Resolution for amendment to the By-Laws concerning Committee on American Citizenship:

BE IT RESOLVED that the By-Laws of the Indiana State Bar Association be amended by the addition thereto of an article to be designated Article XXIII, and which Article XXIII shall read as follows:

ARTICLE XXIII COMMITTEE ON AMERICAN CITIZENSHIP

The Standing Committee on American Citizenship authorized by Section 1 of Article V of the By-Laws of the Association shall consist of a State Committee of three members appointed by the President, by and with the advice and consent of the Board of Managers, and within thirty days after the Annual Meeting, and one District Chairman appointed by such State Committee, for each congressional district, and a City Chairman appointed by such State Committee for each of the cities of Gary, Hammond, Crown Point, Whiting and East Chicago in the First District and a County Chairman appointed by

such State Committee for each county in each of the remaining districts in the state, and this Article together with such Article V shall constitute hereafter the sole authority for appointments on such Standing Committee on American Citizenship.

(4) Resolution concerning Integration of the Bar by Supreme Court Rule:

BE IT RESOLVED that the Board of Governors of this Association be and hereby is directed to prepare and present to the Supreme Court of Indiana a petition on behalf of this Association praying said Supreme Court to enter and promulgate rules for the integration and governance of the Bar of the State of Indiana, patterned, as near as may be, after the rules and order adopted by the Supreme Court of Nebraska as reported In Re: Integration of Nebraska State Bar 275 N. W. 265.

Special Committees Authorized by Motions

The following special committees were authorized upon motions duly seconded and carried:

(1) A Committee of five on Administrative Law.

(2) A Committee of five on Professional and Judicial Ethics.

Committees—Terms of Office and Staggering

Upon the recommendation of the Board of Managers and motion by Secretary Thomas C. Batchelor it was voted by a two-thirds vote that membership upon all committees be for a term of two years with one-half of the members retiring each year, thus providing for staggered committee membership.

Address of Col. O. R. McGuire

The afternoon session was concluded with an address by Col. O. R. McGuire, of Washington, D. C., Counsellor-General of the United States. Col. McGuire's address will be printed in the June JOURNAL.

Mid-Winter Dinner

The regular dinner session of the Mid-Winter Meeting was held in the Riley Room of the Claypool Hotel at six-thirty P. M. The address at the dinner session was delivered by Hon. Merrill E. Otis, United States District Judge for Western District of Missouri.